

## DEVELOPMENT CODE

### **ARTICLE 151.32** **VIOLATIONS AND PENALTIES**

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#### **Section 151.32.001**

##### **Violations**

Any structure upon which construction is started, or any structure which is altered, enlarged or repaired, or any use of land which is begun or changed after enactment of this Code, and which is in violation of any of its provisions, is hereby declared a nuisance per se. Any court of competent jurisdiction shall order such nuisance abated and the owner or agent in charge of such building or premises shall be adjudged guilty of maintaining a nuisance per se. Any person who violates any provision of this Code, the owner of any structure or land or part thereof, and any person or agent employed in connection therewith, who has assisted knowingly in the commission of any such violation, shall be guilty of a separate offense and, upon conviction thereof, be liable to the penalties herein provided.

#### **Section 151.32.002**

##### **Prohibition of Circumvention**

As provided in Arizona Revised Statutes, §9-463.03, it shall be unlawful for any person, firm, corporation, partnership, association, syndicate, trust or other legal entity to offer to sell or lease, to contract to sell or lease, or to sell or lease any subdivision or part thereof until a final plat thereof, in full compliance with provisions of this chapter, is recorded in the Office of the Cochise County Recorder; except that this shall not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with any law or subdivision regulation regulating subdivision design and improvements of subdivisions in effect at the time the subdivision was established.

Whenever the City Manager or other authorized representative has knowledge that real property has been divided in violation of the provisions of this Code or the A.R.S., they shall cause to be filed for record with the Recorder of the County, Notice of Intention to File a Notice of Violation describing the real property in detail, naming the owners thereof, describing the violation and stating that an opportunity will be given to the owners thereof to present evidence. At least 30 days prior to the

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recording of a final notice, the owner of the real property shall be advised in writing of the intention to record a final notice and specifying a time, date and place at which the owner may present evidence as to why such notice should not be filed with the County Recorder. Such tentative or final notice, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property. Upon recordation of the notice of violation, the City Manager shall direct the City Attorney to file suit against the violator to obtain corrective action.

### **Section 151.32.003**

#### **Complaints Regarding Violation**

Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Director of Community Development. He shall record such complaint properly, immediately investigate it, and take action as provided by this Code.

### **Section 151.32.004**

#### **Penalties**

Any violation of this Code shall be punishable by a fine not to exceed \$1,000 or imprisonment not to exceed 90 days, or both, such fine and imprisonment in the discretion of the court. Each day that a violation is willfully permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Code.